IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20097 of 2004

Between:

Ketamreddy, Narendra Reddy, S/o. Gopal Reddy,
Thinnelapudi Vill, Kota Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota (Mandal) Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, direction order or orders more particularly one in the nature of writ of Mandamus to call for the records pertaining to Rc.C.3481/2004 dt. 15.10.2004 and declare the same as illegal, arbitrary, mala fide and contrary to the rules and violative of Principles of Natural Justice and consequentially set-aside the same in the interest of Justice.

Counsel for the Petitioner : MR. A.CHANDRAIH NAIDU

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.20097 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner, who is the authorized dealer in respect of the fair price shop of Thinnelapudi Village, Kota Mandal, Nellore District, filed this writ petition aggrieved by the order passed by the 2nd respondent – Revenue Divisional Officer, Gudur, Nellore District, dated 15-10-2004 suspending the authorization of the petitioner pending enquiry into alleged irregularities in distribution of essential commodities to the cardholders.

The learned Counsel for the petitioner raised various grounds contending that all the allegations made against the petitioner are false and without any basis and at any rate they are trivial in nature and therefore the 2nd respondent is not justified in suspending the authorization pending enquiry. It is also contended that the

impugned order is politically motivated and not bona fide.

It is to be noted that admittedly the petitioner preferred an Appeal against the impugned order dated 15-10-2004 which is pending before the 1st respondent – Joint Collector, Nellore, Nellore District. The petitioner states that he also preferred an application for stay of all further proceedings, but the same has not been considered by the first respondent so far.

Since the statutory appeal is pending before the first respondent, I am not inclined to express any opinion on merits of the case particularly with regard to the correctness of the allegations made against the petitioner. Moreover, having availed the remedy of Statutory Appeal, the petitioner cannot be permitted to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India even before any order is passed by the appellate authority. Hence, the relief as prayed for cannot be granted. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent – Joint Collector, Nellore to dispose of the application for stay filed by the petitioner in the appeal against the order of the second respondent dated 15-10-2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of this order.

Accordingly, the Writ Petition is disposed of. No costs.

_____

02nd November, 2004.

gbs

To

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota (Mandal) Nellore District.

4.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

5.2CD copies